

## **MINUTES**

### **INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS**

**MAY 25, 2011**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Headley called the meeting to order at 9:00 a.m. in the Indiana Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

##### **Board Members Present:**

Richard Headley, D.V.M. – Chair  
Patricia Kovach, D.V.M. – Vice Chair  
Paul Clemente, D.V.M.  
William Somerville, D.V.M.  
Robin Waltz, D.V.M.  
Susan Pedigo, R.V.T  
Frank Andrew, Consumer Member

##### **Absent:**

Bret Marsh, D.V.M., State Veterinarian

##### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency  
Philip Thompson, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda.

KOVACH/CLEMENTE  
Motion carried 7-0-0

#### **III. ADOPTION OF THE MINUTES FROM THE MARCH 30, 2011 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes, as corrected, from the March 30, 2011 meeting of the Board.

#### **IV. PERSONAL APPEARANCES**

##### **A. Probation**

- 1. Brenton Arihood, D.V.M., License No. 24003071A**  
Administrative Cause No. 2009 VB 0001

Dr. Arihood appeared with Rori Goldman, legal counsel, before the Board, as requested, regarding his ongoing probationary status. Dr. Arihood submitted patient records, his surgery log and his controlled substance log for the Board's review. The Board is pleased with his progress and demeanor. He also indicated to the Board that after-hours emergencies are directed to Purdue University. The Board advised Dr. Arihood to put a recording on his phone directing clients to Purdue for after hour calls. The Board feels Dr. Arihood is doing a great job. Dr. Arihood is scheduled for his next probationary appearance on September 28, 2011.

- 2. Robert Maier, D.V.M., License No. 24006439A**  
Administrative Cause No. 2010 VB 0004

Dr. Maier appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Maier stated he is currently performing relief work approximately three (3) days per week at a clinic in Ellettsville, Indiana just outside of Bloomington. He started relief work there two (2) weeks ago. The veterinarian on staff had a medical emergency and he is covering for him while he is away. Dr. Maier indicated he does not have any restrictions regarding controlled substances. The Board has not received a copy of his order signed by his supervisor or employer or a monthly report from his employer as required by his probationary terms. Dr. Maier stated that if he is doing relief work this may not be possible for short term positions. The Board advised that he may want to petition to have his probation order modified in order to meet the terms and conditions of his probation. Legal Counsel also advised to make sure he keeps the board apprised of his work address and phone number to which he informed the Board notification is in the mail. Dr. Maier is scheduled for his next probationary appearance on July 27, 2011.

##### **B. Reinstatement of an Inactive License**

- 1. Andrea Lynn Vanderpool, D.V.M. License No. 24006378A**

Dr. Vanderpool appeared before the Board, as requested, regarding the reinstatement of her inactive veterinary license. Dr. Vanderpool's veterinary license has been inactive since October 15, 2005. She has submitted the reinstatement application, the appropriate fee and one-hundred thirty six (136) hours of continuing education. Dr. Vanderpool has been working in the state of Tennessee for the past six (6) years and is moving back to Indiana in July. She will begin working in Indiana on August 8, 2011 at Noah's Ark Animal Hospital in Indianapolis, Indiana.

**Board action:** A motion was made and seconded to grant the reinstatement of Dr. Vanderpool's veterinary license.

CLEMENTE/SOMERVILLE  
Motion carried 7-0-0

### **C. Application**

#### **1. Eric Christopher Hans, D.V.M.**

Dr. Hans appeared before the Board, as requested, regarding his application for a veterinary license. Dr. Hans answered "yes" to question 4 on the application that asks "Are you now being, or have you ever been treated for drug or alcohol abuse?" and question 5B that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?". He explained that on January 29, 2011 he was charged with operating a motor vehicle while intoxicated. He also explained that he answered "yes" to question 5B because of the impending alcohol classes he was going to have to complete once a trial date was set. Dr. Hans stated that he entered a plea agreement on March 18, 2011. He was placed on unsupervised probation for a period of 364 days, attend and complete a court service alcohol education program, forty (40) hours of community service, attend a victim impact panel and pay costs. His driver's license was suspended for thirty (30) days and restricted for 180 days. Dr. Hans stated he has completed all court requirements with the exception of the probation. The Board advised Dr. Hans that they do not take alcohol violations lightly and this is a serious matter. Dr. Hans submitted a letter of support from the arresting officer regarding his behavior during the arrest. Dr. Hans will be entering an internship program at Texas A & M University and that they have been made aware of this situation. He will be obtaining a Texas license, which is not a full license, for participation in the internship program.

**Board action:** A motion was made and seconded to grant Dr. Hans a veterinary license.

ANDREW/KOVACH

Motion carried 6-1-0  
\*Dr. Headley voted against

**2. Kerry Michelle O'Conner, D.V.M.**

Dr. O'Conner appeared before the Board, as requested, regarding a positive response on her application for veterinary licensure. Dr. O'Conner answered "yes" to question 5B that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that in 2003 she was charged with minor consumption in Oaktown, Indiana after being pulled over for failing to come to a complete stop. Dr. O'Conner had to complete a six (6) month probationary period and pay a fine. The charge was deferred upon completion of her probation. There have been no offenses since that time. Dr. O'Conner will be entering an internship program at Iowa State University in the neurology. There is no license required in the state of Iowa for completion of an internship.

**Board action:** A motion was made and seconded to grant Dr. O'Conner a veterinary license.

SOMERVILLE/ANDREW  
Motion carried 7-0-0

**3. Dean E. Bitzel**

Mr. Bitzel appeared before the Board, as requested, regarding his application for registration as a veterinary technician. Mr. Bitzel is a 2010 graduate of International Business College, Fort Wayne, Indiana and has completed the VTNE examination in March 2011. Mr. Bitzel stated on his application that he is currently performing veterinary technician duties at Riverside Vet Clinic located in Warren, Indiana since December of 2010. The Board explained that applicants cannot perform veterinary technician duties nor call themselves veterinary technicians, registered veterinary technicians, or use the initials R.V.T. until they are registered by the state to do so. Mr. Bitzel stated he does not perform veterinary technician duties; he was just overzealous when completing his application for registration. Mr. Bitzel has successfully completed the Indiana jurisprudence examination.

**Board action:** A motion was made and seconded to grant Mr. Bitzel a veterinary technician registration.

ANDREW/KOVACH  
Motion carried 6-0-0  
\*Dr. Waltz was not present for the vote

#### **4. Jessica Lyn Croy**

Ms. Croy appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. Croy is a 2010 graduate of Purdue University and has completed the VTNE examination in March of 2011. Ms. Croy stated on her application that she is currently performing veterinary technician duties CK Equine Hospital located in Columbia City, Indiana since August of 2010. The Board explained that applicants cannot perform veterinary technician duties nor call themselves veterinary technicians, registered veterinary technicians, or use the initials R.V.T. until they are registered by the state to do so. Ms. Croy explained to the Board that she knew she could not use registered veterinary technician, but did not realize she could not use veterinary technician and now understands she should not have done so. Ms. Croy has successfully completed the Indiana jurisprudence examination.

**Board action:** A motion was made and seconded to grant Ms. Croy a veterinary technician registration.

ANDREW/KOVACH

Motion carried 6-0-0

\*Dr. Waltz was not present for the vote

#### **5. Jennifer Lee Quaintance Dwulet**

Ms. Dwulet appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. Dwulet is a 2010 graduate of International Business College, Indianapolis, Indiana and passed the VTNE on November 16, 2010. Ms. Dwulet stated on her application that she is currently performing veterinary technician duties at Noah's Animal Hospital located in Indianapolis, Indiana since June of 2010. The Board explained that applicants cannot perform veterinary technician duties nor call themselves veterinary technicians, registered veterinary technicians, or use the initials R.V.T. until they are registered by the state to do so. Ms. Dwulet has successfully completed the Indiana jurisprudence examination.

**Board action:** A motion was made and seconded to grant Ms. Dwulet a veterinary technician registration.

ANDREW/KOVACH

Motion carried 6-0-0

\*Dr. Waltz was not present for the vote

#### **6. Nicholas Gonzalez**

Mr. Gonzalez did not appear before the Board, as requested, regarding his application for registration as a veterinary technician. He will be rescheduled to appear at the July 27, 2011 meeting of the Board.

**7. Kendra may Moser**

Ms. Moser did not appear before the Board, as requested, regarding her application for registration as a veterinary technician. She will be rescheduled to appear at the July 27, 2011 meeting of the Board.

**8. Alyssa Erin Richards**

Ms. Richards did not appear before the Board, as requested, regarding her application for registration as a veterinary technician. She will be rescheduled to appear at the July 27, 2011 meeting of the Board.

**9. Summer Aleen Seay**

Ms. Seay appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. Seay is a 2010 graduate of Penn Foster College, Scottsdale, Arizona, and passed the VTNE examination in March of 2011. Ms. Seay stated on her application that she is currently performing veterinary technician duties at WCVS in Rockville, Indiana. The Board explained that applicants cannot perform veterinary technician duties nor call themselves veterinary technicians, registered veterinary technicians, or use the initials R.V.T. until they are registered by the state to do so. Ms. Seay has successfully completed the Indiana jurisprudence examination

**Board action:** A motion was made and seconded to grant Ms. Seay a veterinary technician registration.

ANDREW/KOVACH

Motion carried 6-0-0

\*Dr. Waltz was not present for the vote

**10. Malinda Elsa Wallis**

Ms. Wallis appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. Wallis is a 2003 graduate of Michigan State University and passed the VTNE in June of 2002. She is currently licensed in the state of Illinois and holds a lapsed license in the state of Michigan. She indicated on her application that she is the head veterinary technician at Glenwood Village Animal Hospital in Indiana. She explained to the Board that Glenwood Village is

actually in Illinois, not Indiana and she mistakenly put Indiana on the application. Ms. Wallis will be working at Brown Mackie College located in South Bend, Indiana once she has her Indiana registration. Ms. Wallis has successfully completed the Indiana jurisprudence examination.

**Board action:** A motion was made and seconded to grant Ms. Wallis a veterinary technician registration.

KOVACH/ANDREW

Motion carried 6-0-0

\*Dr. Waltz was not present for the vote

## **V. ADMINISTRATIVE HEARING**

- A. Robert Brunner, D.V.M., License No. 24003969A**  
Administrative Cause No. 2009 VB 0003  
Re: Withdrawal of Probation

**Parties and Counsel Present:**

Petitioner was present without Counsel

Darren Covington, Deputy Attorney General for the State of Indiana

Joshua Timmons, Deputy Attorney General for the State of Indiana

Joyce Shinault, Court Reporter

**Participating Board Members:**

Dr. Headley, D.V.M., Chairman (Hearing Officer)

Dr. Kovach, D.V.M.

Dr. Clemente, D.V.M.

Dr. Somerville, D.V.M.

Dr. Waltz, D.V.M.

Ms. Pedigo, R.V.T.

Mr. Andrew, Consumer Member

**Case Summary:** Petitioner appeared without Counsel to request withdrawal of probation from his veterinary license. Petitioner's license was placed on indefinite probation with terms and conditions on November 10, 2009 due to a positive response on his renewal application dated September 21, 2009. Petitioner has completed all requirements of the Hamilton Superior Court from March 21, 2011. The State has no objections to the withdrawal of probation if the Board feels he has complied with his probationary order.

**Board action:** A motion was made and seconded to grant the withdrawal of probation on Dr. Brunner's veterinary license.

KOVACH/ANDREW  
Motion carried 7-0-0

**B. State of Indiana vs. James Christopher Burch, D.V.M.**

**License No. 24004342A**

Administrative Cause No. 2011 VB 0002

Re: Complaint

**Parties and Counsel Present:**

Respondent was not present, but represented by Rori Goldman  
Darren Covington, Deputy Attorney General for the State of Indiana  
Joyce Shinault, Court Reporter

**Participating Board Members:**

Dr. Headley, D.V.M., Chairman (Hearing Officer)  
Dr. Kovach, D.V.M.  
Dr. Clemente, D.V.M.  
Dr. Somerville, D.V.M.  
Dr. Waltz, D.V.M.  
Ms. Pedigo, R.V.T.  
Mr. Andrew, Consumer Member

**Case Summary:** A complaint was filed against Respondent alleging he refused to write a prescription for medication for a client and his canine, Rusty, that he has a veterinary-client-patient relationship. On or around May 23, 2008, March 17, 2009, and October 15, 2009, Respondent dispensed Iverhart Max 50.1-100 for Rusty. On or around June 1, 2010, the Client asked Respondent's Office Staff to write a prescription for Iverhart for Max. Respondent's Office declined the request based upon the then-office policy to generally not write prescriptions for drugs kept in the inventory of The Loogootee Veterinary Clinic. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) by violating Ind. Code § 25-38.1-4-5(d).

**Board action:** A motion was made and seconded to accept the settlement agreement as presented and to issue a letter of reprimand.

WALTZ/ANDREW  
Motion carried 7-0-0

**C. State of Indiana vs. Richard W. Sasso, D.V.M., License No. 24002852A**

Administrative Cause No. 2011 VB 0001

Re: Complaint



**Parties and Counsel Present:**

Respondent was not present, but represented by Rori Goldman  
Darren Covington, Deputy Attorney General for the State of Indiana  
Joyce Shinault, Court Reporter

**Participating Board Members:**

Dr. Headley, D.V.M., Chairman (Hearing Officer)  
Dr. Kovach, D.V.M.  
Dr. Clemente, D.V.M.  
Dr. Somerville, D.V.M.  
Dr. Waltz, D.V.M.  
Ms. Pedigo, R.V.T.  
Mr. Andrew, Consumer Member

**Case Summary:** The State requests the final hearing to be continued until the next scheduled meeting of the Board as they are still in negotiations for a settlement agreement. The Board agreed to the continuance.

**VI. DISCUSSION**

**A. Marjorie Hinder and Joseph Hinder**

Re: PAVE Program

The Board discussed a letter received by Ms. Hinder and Mr. Hinder regarding Indiana's non-acceptance of the PAVE program for graduates of foreign veterinary programs. Currently graduates of foreign veterinary programs must take and pass the ECFVG program as outlined in IC 25-38.1-3-3. Ms. Vaught stated that she did have an inquiry about having this very issue attached to another bill late during this past legislative session. Dr. Clemente stated he has also been asked why Indiana does not accept PAVE. The Board asked Ms. Vaught to reply to Ms. Hinder.

**Board action:** A motion was made and seconded to table any recommendations until the next meeting of the Board.

SOMERVILLE/CLEMENTE  
Motion carried 7-0-0

**C. Shaw Perrin, D.V.M.**

Re: Request to Amend Minutes of July 28, 2010

The Board received a request from Dr. Perrin to amend the minutes from the July 28, 2010 meeting of the Board regarding his personal appearance for veterinary licensure.

**Board action:** A motion was made and seconded to deny the request of Dr. Perrin to amend the minutes from the July 28, 2010 meeting of the Board regarding his application for licensure by endorsement.

KOVACH/ANDREW

Motion carried 6-0-0

\*Dr. Waltz was not present for the vote

## **VII. APPLICATION REVIEW**

### **A. Endorsement**

There were no applications by endorsement for the Board to review.

### **B. Examination**

There were no applications by examination for the Board to review.

### **C. Professional Corporation**

There were no professional corporation applications for the Board to review.

## **VIII. RENEWALS**

There were no renewals for the Board to review.

## **IX. PROBATIONARY REPORT**

There were no probationary reports for the Board to review.

## **X. CONTINUING EDUCATION**

### **A. Boehringer Ingelheim**

"Canine Lyme Disease – Treatment & Prevention"

Terre Haute, Indiana

April 14, 2011

**Hours Granted:** 1 Hour for Veterinarians and Veterinary Technicians

### **B. International Veterinary Acupuncture Society**

"Basic Course in Acupuncture"

Portland, Oregon

Session I October 19-23, 2011

Session II November 16-20, 2011

Session III January 18-22, 2012

Session IV February 15-19, 2012

**Hours Granted:** 156 Hours for Veterinarians (Must complete all four sessions)

**C. Merial, Ltd.**

"Matters of the Heart: A Current Look at Heartworms – The Disease, it's Treatment & Prevention"

Louisville, Kentucky

March 31, 2011

**Hours Granted:** 2 Hours for Veterinarians and Veterinary Technicians

**D. Pfizer Animal Health**

"Practicing Good Pain Control – The Next Level"

Bloomington, Evansville, and Michigan City, Indiana

March 29, May 3, June 14 and June 28, 2011

**Hours Granted:** 1 Hour for Veterinarians and Veterinary Technicians

**E. Veterinary Endoscopy Society**

"8<sup>th</sup> Annual Veterinary Endoscopy Society"

San Pedro, Ambergris Caye, Belize, Central America

May 5-7, 2011

**Hours Granted:** 8.5 Hours for Veterinarians

**Board action:** A motion was made and seconded to grant approval to Boehringer Ingelheim, International Veterinary Acupuncture Society, Merial, Ltd., Pfizer Animal Health and Veterinary Endoscopy Society for the hours and programs as stated above.

SOMERVILLE/PEDIGO

Motion carried 6-0-0

\*Dr. Waltz was not present for the vote

## **XI. REPORTS**

**A. Consumer Complaints – Dr. Waltz**

Dr. Waltz reported that there are thirteen (13) open complaints from 2010 and that all but two (2) have been reviewed. She also reported that there are fourteen (14) open complaints from 2011 and that all but two (2) have been reviewed.

**B. State Veterinarian's Report – Dr. Marsh**

There was no report given by Dr. Marsh.

## **XII. OLD/NEW BUSINESS**

- Mr. Thompson spoke with the Board about cease and desist orders and changes that Senate Bill 353 made to current legislation regarding cease and desist orders.
- **Board action:** A motion was made and seconded to grant Ms. Vaught permission to act on the Boards behalf when filing cease and desist complaints with the Attorney General's office.

SOMERVILLE/ANDREW  
Motion carried 7-0-0

- Criminal Background Checks beginning July 1, 2011. Senate Bill 363 will require criminal background checks effective July 1, 2011 for any initial application for licensure. Any applications postmarked on or after this date will be required to submit to a national criminal history background check performed by the Indiana State Police. The background checks will all be digital but will become part of the applicants file record. Due to the background checks being federal, they will not be available to the public.
- Purdue University graduated on May 14, 2011. On May 16, 2011 proof of graduation was received and forty-six (46) veterinary licenses issued for Purdue graduates.
- HR1406 was discussed by the Board. This bill is the Fairness to Owners Act 2011 requiring veterinarians to give a pet's owner a prescription whether they ask for it or not. Also mandates that veterinarians must let the owner know that even though they have the medication available at their clinic, they can also write a prescription giving the owner the option to purchase the medication elsewhere.
- Ms. Vaught asked the Board if they would like to add a question to the veterinary renewal application asking "Since you last renewed, have you surrendered your DEA registration?" In a unanimous decision, the Board declined adding this question to the renewal.

## **XIII. OTHER ITEMS FOR CONSIDERATION**


There were no other items for consideration before the Board.

#### XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 1:00 p.m.

**Board action:** A motion was made and seconded to adjourn this meeting of the Board at 1:00 p.m.

KOVACH/WALTZ  
Motion carried 7-0-0

  
Richard Headley, D.V.M., Chairman

7-27-11  
Date

  
Patricia Kovach, D.V.M., Vice Chair

7/27/11  
Date